

COMMISSIONERS APPROVAL

CHILCOTT *g*

THOMPSON *at*

LYONS

PLETTENBERG (Clerk & Recorder)

Date.....March 13, 2007

Members Present.....Commissioner Greg Chilcott,  
Commissioner Alan Thompson and Commissioner Howard Lyons

Minutes: Glenda Wiles

The Board met with Planning Director Karen Hughes for a planning update. Karen addressed the following issues:

- 1) Regulatory Planning – Subdivisions. She noted the updates regarding application of new regulations and proposed regulation revisions are being worked on. In regard to enforcement they are in the process of organizing all enforcement information for discussion and review with the Commissioners. In regard to fees, Karen stated they reviewed the current and proposed fees for untapped resources. She stated in the past it has been brought up that there would not be any planning issues if it weren't for subdivisions. She stated that is not a normal manner that any county approaches their fee schedule. She asked for the Commissioners thoughts on this issue and fee coverage. Commissioner Thompson stated they need to be reasonable and the average citizen does not pay for development. He felt planning does exist even if there are no subdivisions; for example set backs, cell tower ordinance, open lands boards have nothing to do with subdivisions. He stated he does not think all of planning is subdivision driven. Commissioner Chilcott stated they need to look to other high growth county jurisdictions and see how the county compares in fees. Our last fee review shows Ravalli County to be at the 'high end' around the state. Commissioner Lyons stated they should look at the time involved in the subdivisions and asked if the staff needs to review the engineer's plans. Commissioner Chilcott stated the county needs to review the bonding capacity of the engineer because the mistake they can make in a poor design could exceed their capacity and the citizens of Ravalli County are the next 'deep pocket' if something goes wrong. He stated it is important for the planning staff to review these plans. Commissioner Thompson stated there are also some positives for growth in our county which benefits the citizens. Commissioner Thompson stated he disagrees with County Attorney George Corn and felt he was not correct on his assessment in regard to untapped resources. He felt George should run his department and not try to run the other departments which the Commissioners direct. Commissioner Chilcott stated he does not know if SB 185,

although different legislation, would allow them to do something different with the fee schedule, because it is an example of how the law works. Karen asked what the Commissioners thought about the time they spend on litigation and include that in the fees. Commissioner Thompson stated that would penalize those who do not become involved in litigation. Commissioner Chilcott stated the time Civil Counsel spends on answering questions to a specific subdivision could be rolled in but not any litigation. Glenda asked about billing... Commissioner Chilcott stated they historically put the unit costs together and have the costs upfront. Glenda stated not all are the same and you are punishing those who don't subdivide. Karen stated it also allows the bigger projects to be reviewed by a firm rather than planning. Karen stated Aspen Springs is a good example of time spent on a review. The Commissioners agreed this concept is worth exploring. Karen stated they have the time tracker program set up and they would be able to utilize it. The Commissioners also advised Karen to visit with Civil Counsel in regard to this.

- 2) Zoning - In regard to interim zoning there is a meeting on Thursday for the discussion and interpretations of the zoning. Karen stated the planning staff will work off the County Attorney's opinion unless directed otherwise. The Board of Adjustment has been established and they have scheduled a public hearing for establishment of their bylaws and the review of the variance application and review procedures. In regard to citizen petitioned districts they have finished two districts. No district standards have been submitted by the Canton Zoning District. The planning staff has reviewed procedures to provide for additional notification on the voluntary zoning districts. The Board discussed the use of notification of residents by certified mail, legal ad or posters. They stated notification should be made from those neighboring properties that are within 150'. In regard to the protest period, only the residents inside the district would be notified. In regard to the creation of the district standard, the Board concurred they can be notified within the 150'. It was agreed to send these letters for the district boundaries and protest period by certified mail.
- 3) Long Range Planning – Phase 1. Karen will deliver that report to the Commissioners. The land use subcommittee of the Planning Board has developed draft regulations. They are in the midst of the first round of the public involvement meetings. Karen stated they will add follow-up meetings at Stevensville and Victor. They are also working on the contract for assistance from the Public Policy and Research Institute. Civil Counsel is assisting them. The financial resources committee is meeting this Friday. They are looking at receiving private donations for planning issues. They would like to have a process of anonymity so no one feels a special interest group is controlling the process, unless the money comes from governmental agencies. In regard to the land capability and suitability analysis (mapping) they have put out a RFP for that mapping.
- 4) Long Range Planning – Phase 2. The Board is meeting this week to decide if a committee needs to be established for the streamside setbacks. The Open Lands Board meets tonight they will also review a bylaw draft, and review procedures.

- 5) Legislative issues – Karen stated she has not had much time to spend on this issue. Commissioner Chilcott stated the Board needs to spend some time in Helena on the land use issues. MACo would like to see some presence from the fast growth urban counties.
- 6) Budget preparation – Karen asked about the Board expectations on any changes of priorities. She stated her office is utilizing overtime and they are working on hiring a full time employee for the front office. Their salaries are lower than most of Montana and all of the staff is fully trained. She has some concern of losing some of them due to the wages. The Board stated they understood stating this is a struggle with all departments.

The Board thanked Karen for her update and commended her and the planning staff's abilities and the great strides they are making in regard to planning issues within the county.

The Board addressed administrative matters as follows:

A ballot from the state on the repair of the West Ford Road slide was discussed. The Commissioners held a conference call in regard to this construction in a previous meeting. This ballot allowed the state to move forward on the slide repair and still allow the Eastside Highway project to move forward with other funding as found by the State. Commissioner Lyons made a motion to vote in favor of the slide repair and continuance of the Eastside Highway project. Commissioner Thompson seconded the motion and all voted "aye".

Commissioner Thompson made a motion to adopt the following budget transfers within FY 2007:

- Resolution No. 2040 which is a budget transfer to correct a previous budget transfer for fiscal year 2006 in the Fair fund
- Resolution No. 2041 which is a budget transfer for fiscal year 2007 for the snow removal equipment building under the FAA Grant
- Resolution No. 2042 which is a budget transfer for fiscal year 2007 for funds that incorrectly deposited to the VW-Contribution and Surcharge Fund from the City of Hamilton PILOT monies
- Resolution No. 2043 which is a budget transfer for fiscal year 2007 within the Clerk and Records Office
- Resolution No. 2044 which is a budget transfer for fiscal year 2006 within the Clerk and Records Office
- Resolution No. 2045 which is a budget transfer for fiscal year 2007 within the Clerk and Records Office
- Resolution No. 2046 which is a budget transfer for fiscal year 2007 within the Bio-Terrorism Grant
- Resolution No. 2047 which is a budget transfer for fiscal year 2007 within the Weed Bio-control fund
- Resolution No. 2048 which is a budget transfer for fiscal year 2007 within the Weed Grant for Bio-control

- Resolution No. 2049 which is a budget transfer for fiscal year 2007 for the purchase of video arraignment equipment
- Resolution No. 2050 which is a budget transfer for fiscal year 2007 in the 9-1-1 for the purchase of recorder equipment
- Resolution No. 2051 which is a budget transfer for fiscal year 2007 for flu vaccine advertising
- Resolution No. 2052 which is a budget transfer for fiscal year 2007 within the Planning Office
- Resolution No. 2053 which is a budget transfer for fiscal year 2007 in the Extension Office
- Resolution No. 2054 which is a budget transfer for fiscal year 2007 in 9-1-1
- Resolution No. 2055 which is a budget transfer for fiscal year 2007 in the Clerk and Records Office
- Resolution No. 2056 which is a budget transfer for fiscal year 2007 in 9-1-1
- Resolution No. 2057 which is a budget transfer for fiscal year 2007 in the County Attorney's Office
- Resolution No. 2058 which is a budget transfer for fiscal year 2007 for left over dollars from sewer hookup to pay for storage tank removal at the Bibler Building
- Resolution No. 2059 which is a budget transfer for fiscal year 2007 for park, drug forfeiture and subdivision exemption funds
- Resolution No. 2060 which is a budget transfer for fiscal year 2007 for the drug fund

Commissioner Lyons seconded the motion and all voted "aye".

In other business the Board held a public hearing on a Resolution to amend the Ravalli County Airport Rules and Regulations. Present at this meeting were Airport Board members Dave Hedditch, Fred Haaskamp, Carl Fox, Jim Trowbridge and Tex Irwin. Also present were members of the public which included Bill and Judy Stewart, Mark Fournier and Steve Wolters. Civil Counsel Alex Beal and Airport Manager Page Gough were also present for this public hearing. Commissioner Chilcott called the hearing to order reading the legal notice.

Dave stated this is hopefully the last draft on the rules and regulations. There were many members of the public present at the last meeting where numerous changes were proposed. This draft addressed those changes.

Public comment was called for.

Mark Fournier stated he reviewed the helicopter fueling location. He felt that location does not allow helicopters to take advantage of fueling.

No further public comment was made. Board deliberation then took place.

Commissioner Thompson stated they reviewed this extensively at the last meeting. He does not see any further changes needed.

Commissioner Lyons asked if someone was going to address Mark's concerns.

Dave stated Mark has a point; however he does not know what kind of problems they would have by taxiing the helicopter through the light planes area. They would have to research that. Also, there are trucks that can refuel so there is a way the helicopters can get fuel. From a safety aspect they would need to review that. Carl agreed it is a good point but with the parking the way it is, he does not know how they would taxi the helicopter without doing harm to the light aircraft. Dave stated he would not change this due to safety concerns. Fred stated this is a special use aircraft and they have to go where they get fuel. The trucks can fuel the helicopters.

Tex stated the loggers refuel their helicopters away from the general aviation airplanes. Their intent is to have a working area of a fueling and parking area. They are not limiting access to fuel as there is a way to obtain fuel.

Mark Fournier stated there is no difference between a small aircraft and helicopters. They should all have the same access. These rules and regulations are discriminating against him as a helicopter operator, as he does not have the ability to fuel from a truck and it is more expensive to fuel from a truck.

Dave stated Mark has a good question. They can address this at a later date if they decide to. Carl asked Steve Wolters if a light helicopter could reasonably access the self fueling. Carl stated the weight of the helicopter needs to be addressed.

Dave recommended they 'go with what they have' and see if that can be changed to accommodate Mark's request.

Commissioner Lyons stated the Airport Manager runs the airport with the help of the Airport Board and the Commissioners do not need to micro manage this type of issue. He recommended they move forward.

Commissioner Chilcott stated he does not want to limit someone from fueling their aircraft. He asked Mark why he could not obtain fuel from a truck. Mark stated in the non-compliance letter the Commissioners sent him, he is told that he is in non-compliance. His helicopter operation utilizes fuels from both places.

Commissioner Chilcott addressed Section 5 under camping (114) he asked if camping is defined/allowed anywhere at the airport. Dave stated they are working on obtaining a credenza for barbeque. Commissioner Chilcott stated he does not want a camp fire under an aircraft wing. Page is having some signs made which will allow fires in the barbeque pit only.

Commissioner Chilcott also addressed Section 5 for storage (115). He expressed concern for those to use RV parking for long term parking. Dave stated they discussed this and it will be up to Page to monitor if and when a person is camping or not camping. If they are camping, they will have fees to charge them. Commissioner Chilcott suggested they

use the term 'occupied vehicles'. Alex stated the RV should be placed in long term parking and they are not prohibited from staying as long as they want. Commissioner Chilcott stated he does not want to compete with private enterprise by turning this into a long term camp site. Alex stated adding the word 'unoccupied' would help to enforce the long term RV parking. Fred stated they should use the language 'no camping' unless in a designated area and the only camping that is allowed is in the fly in area. Commissioner Chilcott suggested they add "no other camping to include R.V. is allowed" under camping. The Airport Board concurred.

Commissioner Chilcott suggested the Board address Mark's concern for a designated route to this parking area in order to fuel a helicopter. Page stated the light helicopters do not damage the asphalt. Commissioner Chilcott stated they can churn up some gravel and dust. He understands the need to keep the rotor wash from lift off, but they need to address the space needs. Mark suggested they do it by engine type.

Commissioner Thompson asked if they are making rules for one person (Mark's concern) at the expense of everyone else, such as rotor-wash problems, as he can obtain fuel and he is not being shut down.

Dave stated Mark can transport his own fuel to self fuel in another location. Commissioner Chilcott asked if the helicopters throw more rotor-wash than aircraft particularly on lift off. He expressed his concern about the aircraft in that area that could be damaged.

Page stated the only other aircraft that are parked there are Mark's so he is risking his own damage. The smaller aircraft fuel at the self-serve. Tex stated they should designate a spot near Mark's hangar.

Commissioner Chilcott stated he would like to see some limit on the capacity of the helicopter. Fred stated there are some big helicopters that only seat two people.

Commissioner Thompson asked if the Forest Service has a particular area they fly in and out of. Dave stated they were put in on the north end for those reasons. Tex stated most helicopters avoid certain areas, such as the ramp area, so they do not damage other planes. David stated the rules specify where certain planes are supposed to fly and land.

Bill Stewart stated they have had some problems with helicopters taxing and tearing roofs off of the buildings and rocks damaging the parked planes. He stated most plane owners would like that taken care of. Page stated Less Schwab's helicopter is a good example of that. In the past, a door was torn off a hangar from the roto-wash of a helicopter.

Alex suggested they take out the 'grass landing' language and allow the Airport Manger to make that determination. Commissioner Chilcott stated they need to define what types of helicopters are allowed to land in the helicopter landing area. Page suggested he determine where the local helicopters land, then the transients would only allowed to land in a defined area. Commissioner Chilcott stated they need to avoid someone 'hollering

discrimination' about these rules and regulations and most importantly they need to make sure the safety concerns are addressed in regard to fueling.

Dave suggested they see what happens when Mark helicopters into this area. Alex stated the manager could be allowed that discretion for the standards of weight; number of occupants etc., which are reasonable. It was agreed to change Section 5-204 inserting the following language after the last sentence: "reciprocating helicopters will follow taxi ways to self service refueling areas".

Tex stated most airports have designated areas for helicopters.

Commissioner Chilcott also addressed Section 5-607 in regard to making sure this language is consistent with the leases. Dave stated it is not and they will need to change the lease.

Bill stated he has talked to 20 hangar owners, and as a group, they are disturbed with the 10-year leases. The state and feds all recommend 40-year leases. He stated these hangars are easily valued at \$100,000 plus and with that kind of investment the person who enters into a lease wants a lease period for longer than 10 years. Bill indicated other airports in the State of Montana have the longer leases. He also noted the Commissioners allow 20-year leases with those who bring in a letter from the bank.

Commissioner Chilcott relayed the statute allows a 40-year lease but there is a political distinction in his mind. The airport issues are sometimes contentious and thus he wants to be consistent with other county lease terms.

Mark also commented that Section 5-202 might create a safety problem if they are restricted to northerly approaches. Dave stated Section 5-201 covers that issue in regard to 'weather permitting'.

Commissioner Thompson made a motion to adopt the Rules and Regulations with the two changes under 5-114 (camping) and 5-204 (helicopter parking and refueling). Commissioner Lyons seconded the motion and all voted "aye". (See Resolution No.2061-A).

In other airport matters, Mark Fournier asked that the Pogo Pumps and Viper Air leases have the same language as North Star Aviation. He indicated the North Star's Lease for Hangar C-1 is a commercial lease. However his lease has specific wording which creates limitations to his business. He would like a commercial lease also with the same wording. Commissioner Thompson commented that Mark has a law suit about these matters. Alex concurred stating any further discussion of this issue needs to be done during the course of settlement. Mark stated he does not have legal representation with him and while it is part of the law suit he felt it was appropriate to discuss this issue because the County Attorney requested these two issues be taken out of the lawsuit issues.

Commissioner Chilcott stated the Commissioners have not been involved in this particular litigation issue. Mark stated he is willing to take these two issues out of the litigation issues. Alex stated the County Attorney does not deal with airport issues everyday, and they have asked Mark's legal representative to address what is different in his lease and why he feels his language is different than other commercial leases. Alex also noted these discussions are part of litigation and are 'on going'.

Mark referenced hangar leases #195 and #199.

Alex stated the County Attorney's Office was waiting to review the requirements for a Field Based Operator (FBO) within the F.A.A regulations. Commissioner Chilcott stated Mark has no counsel present and he asked Alex if this continued dialogue is appropriate. Alex stated he is looking to see how Mark designates himself, such as an FBO. Mark stated when those leases were written he was designated as an FBO. Commissioner Chilcott stated the designation within the lease shows the FBO but he had more written language as he was starting up his business based on Pogo and Viper Air's proposal. Alex stated these questions are related to the litigation and are therefore inappropriate for this public meeting.

Mark also noted his lease #199 is five years, but Steve Wolters received 10 years. Alex stated this conversation is within litigation issues and should not move forward. In regard to the fuel farm, Mark stated his tank has been sitting there since late October; therefore he can meet the minimum standards. The tank needs to be put in the ground and needs to be approved by the Commissioners because the Airport Board has taken no action on this issue. Mark stated this issue is not part of the litigation issues but he has named the Airport Board in this regard. Alex stated if there is enough information in front of the Airport Board it can be considered. Mark stated he is ready for a presentation.

Airport Board Chairman Dave Hedditch stated Mark's consultant Red Caldwell brought this in, but they had not addressed the other issue of Mark being in FBO compliance. Commissioner Chilcott stated Mark is asking for a new lease when there are issues of non-compliance on the other leases. Mark stated by not allowing him to move forward on this fuel tank, he is not being allowed to bring his business up to the proper standards. He stated is trying to follow the county's safe storage requirements by purchasing this \$100,000 tank. He stated he is bringing a better standard and meeting all of the requirements, but the county will not allow him to move forward.

Commissioner Thompson stated he agrees with Mark in regard to bringing this up to standard, but the question is if he has met all the necessities of being an FBO. Mark stated the time frame is 18 months for that compliance but he has met with many obstacles. He anticipates meeting those compliance issues within the 18 months. He stated all he is asking is that he be allowed to move forward with no road blocks. The 'noted obstructions' and letters of non-compliance came after he purchased the tank. He abandoned what he originally started to do because he does not want to fight with the



county. So, he attempted to move forward in regard to the compliance issues and the Airport Board does not respond. He is asking for a fuel lease within a fuel farm.

Alex stated the procedure is to allow comment from the Airport Board. Airport Board Member Carl Fox stated they looked at the situation and designated a fuel point within the fuel farm. Mark stated there is no access to that point. Airport Board Member Tex Irwin indicated they are not prepared to address the access, etc. Alex stated they need to have that discussion with the Commissioners when they review this within the next couple of weeks.

Mark stated the Airport Board has had this on their agenda for three months. Commissioner Chilcott stated the Commissioners have not seen this proposal and they do not want to have a 'knee jerk reaction' to Mark's request.

Dave asked the Commissioners if they want to move forward with a new lease when there were questions on the old lease. Commissioner Chilcott stated they need to review this request with the assistance of Civil Counsel but felt the Airport Board should move forward on the fuel farm lease request. Then the Commissioners could meet again in the next 10-14 days for their recommendation and response from Alex. It was agreed to meet again on March 27<sup>th</sup> at 2:00 p.m. for the discussion and decision of fuel farm lease.

Commissioner Chilcott asked if there could be a settlement conference or discussions that can take place with Mark's counsel and county attorneys' office. Alex stated he will work toward that end and set a date up.

Bill Stewart stated when he started the North Star business he had to have the building in place prior to obtaining his approval.

In other business the board met with Planning Staff Shaun Morrell, Flood Plain Administrator Laura Hendrix and Planning Director Karen Hughes in regard to a discussion and decision on whether they should hold a public hearing to consider the creation of a streamside setback committee. Shaun presented a staff report as attached to the proposed resolution.

Public comment was called for.

Carlotta Grandstaff asked what will happen to the Board of Realtors work if a committee was established. Commissioner Thompson stated the committee might incorporate portions of the work that has been done. She asked if the Board of Realtors is in the process of crafting an ordinance. Commissioner Thompson stated the realtors came to them originally and asked if the Commissioners would support them in obtaining a grant. He stated anything they put together is simply information and public comment would then weigh in prior to the Commissioners making any decision.

Doug Soehren who represented the Friends of the Bitterroot stated he feels positive about this public participation that is occurring. His group favors the creation of a committee

but they do not think a public hearing is needed to do so. He asked what kind of public notification has been made thus far. Shaun stated they have sent out emails and the meetings have been on the government calendar. Doug stated if that is all that is done, maybe a public hearing should be held. He noted there is a tremendous effort by the citizens toward this issue. He felt the bottom line is to make sure the committee is a 'broad based' committee and further, that it would be equitable to everyone. The environmental community needs to have a place at the table as well as other groups. Doug felt no special interest group should be solely represented.

Ben Hillicoss, a member of the Planning Board commented that he is in favor of the streamside setback committee. He stated there are two alternatives, one is to establish the committee and hopefully they would come forth with a set of regulations. He asked if the regulations need to go through public hearings with the Planning Board and the Commissioners. Karen stated the regulations will need to go through the Planning Board.

Lori Riley of the Bitterroot Water Forum supports holding the public hearing to establish a committee. The Forum would like to have a representative on this committee.

Jack Saunders, in behalf of Trout Unlimited stated they would like a public hearing as there is a great deal of interest on behalf of the public. The committee should be broad based and represent all types of interest, not just special interest.

Laura Merrill supports what has been said thus far. She would like a broad based committee and wants the Commissioners to take the collective wisdom of good information that has been presented. She also stated if a public hearing helps the issue stand up in court, to please do so and do it as quickly as possible.

Don Mayberry represented conservation issues. He wants a committee. He does see a conflict on the present committee as the Planning Department has a member who is constructing a home on Skalkaho Creek. The farmers are excluded from setbacks and they should not be on this committee. Commissioner Thompson stated they are talking about buildings etc. Don stated when it comes to protecting riparian areas; the farmers can do what they want. He does not have to fence his cows out, so he should not be on that committee. Karen stated there are some protections under state law and many agricultural properties have streams flowing through them. But beyond the agricultural issues they are subject to any set back issues, thus they should be part of the committee. Commissioner Thompson stated a rancher would not want to cut down vegetation and then have the banks erode. Don stated the committee should be broad based and the Commissioners need more conservation representation.

Phil Connelly is on the Planning Board and stated the list of people is simply a recommendation and at this time it is 'not set in stone'. He also agreed with Laura Merrill in that they want to keep what has been presented by the realtors and Fish and Game.

Jack Mauer of the Bitterroot Trout Unlimited who is also a local outfitter stated there are some violations of set backs on the river. He agrees there needs to be regulations on the setbacks. Jack presented some pictures of a house where the owner cut some trees down and then cabled the trees into the bank. This caused more erosion and now the residents are asking for special treatment in their erosion issues.

Phil Romans, a member of Trout Unlimited and the Fly Fishers Group, also runs the river clean up. He would like a broad based committee and wants the regulations in place for protection of the river.

Ellie Debellis asked if this even involves the Bitterroot River, but rather streams and creeks. Commissioner Thompson stated the realtors have not talked about the river but the Commissioners need to be concerned with all waters (main stem of the Bitterroot River and all the water ways that drain into the main stem). Ellie stated if this is the case, then that needs to be made known as that was not discussed before. Commissioner Thompson stated the water ways are described by class and the proposed legislation would include the river. Karen stated the realtors did not address the river or the East and West Forks, but they need to be included and that was discussed numerous times.

Travis Martinez asked how the committee will be affected if the state passes legislation. Commissioner Thompson stated it is hard to say what will come from the state. The county's big concern is local control. Commissioner Thompson stated it is his intention to move forward with caution but to move forward with haste.

Earl Little of the Trout Unlimited and Fish and Wildlife Association agreed with the establishment of a committee. He stated Ira Holt is part of the Wildlife Association and he too is in favor of a committee with multi-disciplinary backgrounds. Setbacks and buffer zones are important to the health of the river.

Stanley Schroeder is a member of the Friends of the Bitterroot. He asked how long it will take to figure out the setbacks. Could they have some temporary setbacks put into place while they work on the permanent ones?

Curt McChesney of the Trout Unlimited thanked the Planning Board for their hard work. His group supports a committee with broad base and the public hearing is important to include more people. He asked about the composition of the committee – and asked if the recommendations of those members can be changed. He stated some of the professional people such as hydrology or geology are not shown on the draft composition. Commissioner Thompson stated this draft is simply what the planning board came up with; it is not what will necessarily occur. Some have expressed concern that the conservation groups have been left out and this draft simply gives the Commissioners a starting place. Commissioner Thompson stated this draft shows 18 members with 17 voting members.

Doug also commented on the draft committee and noted some special interest groups are listed but the conservation groups are not. The Realtors are a special interest group, the

farmers are not conservationists and thus this draft makes the appearance of being lopsided.

Michael Howell of the Bitterroot River Protection Group stated they are in strong support of setting up this committee. Their group helps protect water quality, wildlife, fisheries and they encourage the Commissioners to select fisheries and wildlife experts for the committee.

Public comment was then closed. Board deliberation took place.

Commissioner Thompson was in favor of a water quality district but had some concerns as to the public notice in favor of set backs. Recently he went to the National Public Lands meeting in Washington D.C. which addressed water quality, resources etc., and this issue is important in that it affects many people and places. There are 21 dams in our area; 17 of which are wilderness dams. Some are privately owned. They have served a great value and we need to keep our water clean. We don't need houses that are built on the river. He also felt the recreational opportunities are important.

Commissioner Thompson stated he is in favor of putting a committee together, broad based for those who want to protect water and resources.

Commissioner Lyons stated there is tremendous growth everywhere and Ravalli County is not the only ones dealing with it. He stated it is important to remember someone owns the sides of the streams and under the water, and they are paying taxes on that ground. He felt they all need to be considerate of that private property right. He stated if they end up with some 'height' to the set backs they might not need the set back area. Irrigation water rights are at risk in the valley and we are losing the water to downstream users. The West Fork and East Fork already have flood plain and those water ways are protected. He suggested they not deal with the West and East Fork in regard to the set backs, but they could add them later. He stated he wants to move forward on the setback regulations, and even if they are not perfect they can be changed later.

Commissioner Chilcott stated this is about balance, private property rights and resource protection. He stated he lives along the river and gets to pick up the garbage from the river banks next to his house. He wants to move forward with science based facts, setting regulations that are reasonable. In regard to the special interest of realtors, they have put in a considerable amount of money; they have hired hydrologists and are now working with Chris Clancey. There has been some forward progress and they got the county started in the right direction. A good point was made about the back county dams and how it affects our resources. He stated it is important to capture the water as it serves our community and agricultural users. This needs to be a thoughtful and respectful process to land owners and recreational users alike.

Commissioner Chilcott stated they might want to reconsider adding groups such as the Bitterroot Trout Unlimited etc. Doug stated the Planning Board may have a special

interest because a member is building a house, but one of the Friends of the Bitterroot also has a house on Skalkaho Creek; thus we need to be considerate of both sides.

Commissioner Thompson asked if the public hearing can assess the representation or should that be done ahead of the public hearing. Commissioner Thompson stated the agenda does not address the committee make up. Commissioner Chilcott stated they are talking about the creation of the board, thus the make up of the board.

Doug stated he lives right on the river bank and he involves himself in conservation issues so he could accommodate a board position as a conservationists and person who owns property on the water banks.

Don stated a developer sits on the Planning Board and is in the process of constructing a home. That home is within 6' of the creek. This is like putting the fox in charge of the hen house because it is a gross encroachment.

Laura stated there has been quite a group of people who have been meeting for over two years and maybe some of those people could be included in the committee.

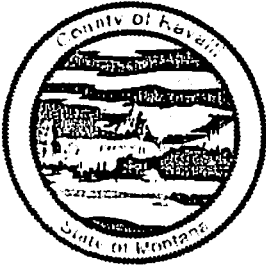
Michael stated many people can be called conservationists. There is a pool of resources and they should not 'dip in on one side'.

Commissioner Chilcott stated he would like Bitterroot Troup Trout Unlimited, a wildlife association and two citizens that live on the river included in the balance of the five committee members. Commissioner Thompson agreed stating the Board of Realtors has put a lot of time into this and they should have a seat at the table, however he is not sure about the building association. Commissioner Chilcott stated there might be some development standards that a builder could help with. Karen stated the builders are typically the ones seeking to comply with zoning permits. Commissioner Thompson addressed an unbalanced membership (odd number). Commissioner Chilcott stated the members should all have a vote with a non voting ex-officio member.

Commissioner Lyons made a motion to take the five remaining committee members into the following member requirements: two representing conservation, two affected property owners and one at large; with all members entitled to vote on matters requiring the official decision; and a public hearing to be held in order to establish a committee. Commissioner Thompson seconded the motion and all voted "aye". The public hearing date will be held April 12<sup>th</sup> at 10:00 a.m.

In other business Commissioner Chilcott attended a RCEDA meeting during the late afternoon hours.

Commissioner Thompson attended a CAC meeting at the Corvallis Fire Hall during the evening hours.



## REQUEST FOR COMMISSION ACTION

OG-07-03-242

Meeting: March 13, 2007 @ 2:00 p.m.  
Request: To establish a public hearing on the creation of the Streamside Setback Committee

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### I. ACTION REQUESTED

This is a request from the Ravalli County Planning Board to establish a public hearing to consider the creation of the Streamside Setback Committee (SSC).

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### II. BACKGROUND

On January 24, 2007, the Board of County Commissioners (BCC) held a public meeting to discuss the issue of a potential streamside setback regulation for Ravalli County. During the course of this discussion, including verbal and written comments presented by numerous interested citizens, the complex and controversial nature of the issues associated with streamside setbacks became readily apparent.

Several of those testifying at the meeting appealed to the Commissioners to have the County take a leadership role in this project by creating an objective, broad-based, participatory process by which to establish streamside setback regulations for Ravalli County. In response, the Commissioners directed Planning Department Staff to explore the possibility of initiating a "collaborative effort," involving interested groups and experts who would explore the issue in greater depth.

On February 12, the Planning Department published a proposal for the creation of a Streamside Setback Committee that would review various regulatory approaches, including locally developed proposals, and forward an official recommendation to the Planning Board and BCC.

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### III. PLANNING BOARD RECOMMENDATION

The Ravalli County Planning Board conducted a public meeting on this proposal on February 21, 2007. After hearing extensive public comment, the Board took the following action:

The Board made a motion to recommend adoption of Staff's proposal to create the Streamside Setback Committee, as amended herein. The motion included a statement advising the BCC to maintain Phase I (countywide) zoning as a higher priority than Phase II zoning (which includes streamside setbacks). The Board also commented that the streamside setback project may function at a slower pace if additional financial resources could not be obtained to support it. **The Board voted 8-0 to approve the motion.**

*Comments from the meeting are contained in the record.*

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#### IV. RECOMMENDED MOTION

(Changes to staff's recommendation is in underline/strikeout.)

To set a public hearing for consideration of the creation of the Streamside Setback Committee under the framework set forth in the Staff proposal of February 12, 2007, as amended below:

##### CREATION AND COMPOSITION OF THE COMMITTEE

By resolution, the BCC will create a Streamside Setback Committee ~~consisting of thirteen (13) voting members,~~ and will appoint ten (10) ~~six (6)~~ of these members based on the following composition:

Three (3) experts in the areas of hydrology, ecology, fish/wildlife biology, geology, or related fields

Two (2) ~~One (1)~~ Professional Engineers or Professional Land Surveyors

Five (5) ~~Two (2)~~ members of the public at large

The following bodies and organizations will be invited to elect one (1) representative each from among their membership to serve on the SSC:

Ravalli County Planning Board

Ravalli County Board of Health

Right to Farm and Ranch Board

Bitterroot Conservation District

Bitterroot Valley Board of Realtors

Bitterroot Water Forum

Bitterroot Building Association

The Ravalli County Floodplain Administrator will serve as an ex-officio (i.e., non-voting) member of the SSC.

With respect to the SSC's decision-making process, the Planning Board posed three alternatives for the BCC to consider:

1. All members of the Committee shall be entitled to vote on matters requiring the Committee's official decision, recommendation, or direction; or
2. Only certain Committee members shall be entitled to vote on official matters – for example, the ten members appointed directly by the BCC – all other members having ex-officio status; or
3. The Committee shall establish its own decision-making process.

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**REMAINING ISSUES:** SSC voting mechanism  
Composition of the SSC

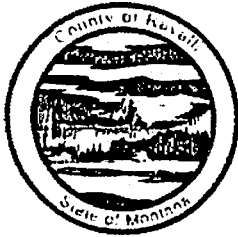
**FISCAL IMPACT:** Expenses for SSC members  
Planning Department resources, including Staff time

**ATTACHMENTS:** Staff recommendation dated February 12, 2007  
Draft minutes of the February 21, 2007, Planning Board public meeting  
Written public comments received to date

**STAFF:** Shaun Morrell *SM*

**DATE:** March 1, 2007





Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840  
Phone 406-375-6530  
Fax 406-375-6531  
planning@ravallicounty.mt.gov

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**RAVALLI COUNTY PLANNING DEPARTMENT  
PROPOSAL FOR THE ESTABLISHMENT OF A STREAMSIDE SETBACK COMMITTEE**

February 12, 2007

This document outlines Planning staff's proposal to establish a temporary Streamside Setback Committee (SSC) that would pursue the following goals:

1. Examine the various methods of regulating development near stream corridors, including those local efforts already underway, as well as other alternatives, with particular attention to those methods based on peer-reviewed science and local conditions.
2. Create a proposed streamside setback zoning regulation that would be presented to the Planning Board (PB) and Board of County Commissioners (BCC) for consideration.
3. Conduct a thoroughly transparent and participatory process, frequently soliciting citizen input and incorporating the public's feedback as an integral part of the proposal.

**CREATION AND COMPOSITION OF THE COMMITTEE**

By resolution, the BCC will create a Streamside Setback Committee consisting of thirteen (13) voting members, and will appoint six (6) of those members based on the following composition:

Three (3) experts in the areas of hydrology, ecology, fish/wildlife biology, geology, or related fields

One (1) Professional Engineer or Professional Land Surveyor

Two (2) members of the public at large

The following bodies and organizations will be invited to elect one (1) representative each from among their membership to serve on the SSC:

Ravalli County Planning Board

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Bitterroot Conservation District

Bitterroot Valley Board of Realtors

Bitterroot Water Forum

Bitterroot Building Association

The Ravalli County Floodplain Administrator will serve as an ex-officio (i.e., non-voting) member of the SSC.

It is anticipated that the SSC will conduct informal working sessions, as well as more formal meetings. All meetings will be open to the public. The SSC will develop ground rules to govern their meetings and describe how the public will be involved during different types of meetings. When more formal policy, regulatory, or other such decisions are made, the SSC will decide by a simple majority vote of the members in attendance at any given meeting (seven [7] voting members will constitute a quorum). In some instances, SSC members in disagreement with the majority of Committee members on a key decision may submit a minority report for consideration by the PB and BCC.

The tenure of the SSC shall be temporary. Upon completion of the tasks listed herein, the SSC will dissolve unless the BCC specifically renews its tenure through resolution.

### **GENERAL PROCEDURE**

The following is an overview of key events that will occur in the SSC's pursuit of the three aforementioned goals:

1. BCC creates SSC
2. BCC and associated bodies appoint members to the SSC
3. SSC adopts decision-making rules and procedures
4. SSC develops a timeline for the overall process and a public involvement plan
5. SSC gathers and reviews existing proposals, as well as other potential approaches to streamside setback regulations
6. SSC selects an approach and, if necessary, drafts a proposed regulation
7. PB conducts one or more public hearings on the proposal and delivers a recommendation to the BCC
8. BCC conducts one or more public hearings on the proposal and issues the final decision

### **ROLES AND RESPONSIBILITIES**

In light of the SSC's three goals and the general procedure outlined above, the following is a description of the roles and responsibilities that will be undertaken by relevant bodies within the County.

#### **Streamside Setback Committee**

- Adopt a process for fulfilling the three goals, including a timeline that projects when various tasks will be completed, when meetings will be held, and when a final proposal will be presented to the PB and BCC
- Adopt a public involvement plan that accompanies the overall timeline, describing how the public will be informed of the SSC's activities and what opportunities citizens will have for contributing input, e.g. public meetings, open houses, workshops, etc.

- Gather and review approaches for potential streamside setback regulations, including proposals developed locally, regulations used in other jurisdictions, and other conceptual approaches
- Select an approach and adapt it to the local conditions in Ravalli County
- Create a finalized regulatory proposal
- Present the proposal to the PB and BCC

#### **Planning Department Staff**

(Excludes the Floodplain Administrator, who will serve as a committee member)

- Generally, provide technical and administrative support to the SSC in the pursuit of its three goals and associated tasks
- Track potential relevant changes to State law and update the SSC, PB, and BCC on these proposals
- Facilitate the meetings of the SSC
- Report the SSC's progress to the BCC on a regular basis
- Draft proposals for a procedural timeline and public involvement plan to be considered and potentially adopted by the SSC
- Assist the SSC with the implementation of the public involvement plan
- Assist the SSC in researching and gathering potential regulatory approaches
- Assist the SSC in drafting or revising a regulatory proposal
- Prepare and deliver a staff report to the PB and BCC prior to the final public review of the SSC's proposal

#### **Planning Board**

- Elect one member to serve on the SSC
- Receive progress reports on the SSC's activities from their representatives
- Receive staff report from the Planning Department prior to the final public review of the SSC's proposal
- Conduct one or more public hearings on the SSC's proposal, meeting or exceeding the applicable requirements of Montana State law
- Provide a recommendation to the BCC regarding the SSC's proposal (adoption, adoption with revisions, or denial)

#### **Board of County Commissioners**

- Create the SSC by resolution
- Appoint three expert members, two citizen members, and one engineer/surveyor to the SSC; invite associated bodies and organizations to elect additional members
- Receive progress reports on the SSC's activities from Planning Department staff
- Receive staff report from the Planning Department prior to the final public review of the SSC's proposal

- Conduct one or more public hearings on the SSC's proposal following the PB's public hearing(s)
- Consider recommendations from the SSC and the PB
- (if applicable) Adopt a Resolution of Intent to Adopt the Zoning Regulations and advertise the Resolution of Intent
- Collect protests (30 days)
- Adopt a Resolution to Adopt the Zoning Regulations (if any protest does not meet the required threshold)

**Ravalli County Planning Board  
Meeting Minutes for February 21, 2007  
3:00 p.m.**

**Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Hearing**

**Fin and Feather Addition, Lot 5, AP (Crane) Subsequent Minor Subdivision and One Variance Request**

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.*

**1. Call to order**

**Chip** called the meeting to order at 3:02 p.m.

**2. Roll Call (See Attachment A, Roll Call Sheet)**

**(A) Members**

Mary Lee Bailey (present)  
Dale Brown (present)  
Phil Connelly (present)  
Ben Hillicoss (present)  
Dan Huls (present)  
Lee Kierig (present)  
Maura Murray (absent-excused)  
Chip Pigman (present)  
Tom Ruffatto (absent-excused)  
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

**(B) Staff**

Jennifer Degroot  
Laura Hendrix  
Karen Hughes  
John Lavey  
Shaun Morrell  
Vanessa Perry  
Renee Van Hoven

**9. Communications from Staff**

**(A) Discussion on Streamside Setback Committee**

**(i) Staff Report**

**Shaun** noted streamside setbacks have been discussed recently in both local proposals and in the State Legislature. He gave a brief overview of the reason for this discussion, including a prior meeting with the BCC in January to discuss this issue. After that meeting, the BCC directed Planning Staff to create a collaborative effort to

establish streamside setbacks. He listed three goals that the Planning Department created to guide the actions of the Streamside Setback Committee. (See Attachment H, Proposal for the Establishment of a Streamside Setback Committee). He noted that he only created an outline of the process for how to accomplish those goals and thought that the Committee would flesh out the details. He commented that Staff had received much feedback on this proposal. (See Attachment I, Public Comments Received Regarding the Streamside Setback Committee Proposal) Most were supportive, but several people were concerned with the balance of the committee. He said that some requested the addition of other organizations and some were concerned about the size of the committee. A written comment from Michael Howell recommended having five to seven citizens-at-large on the Committee and allowing any organization to sit in as an ex-officio member. A memo received from George Corn recommended that the BCC or Planning Board facilitate the process directly, rather than creating another committee. He noted that the memo is not legal advice, but policy advice. He summarized that the purpose of this discussion is for the Board to consider Staff's proposal and public comments and forward a recommendation to the BCC. He noted that options include: recommending adoption of a resolution, recommending changes to the composition of a committee and overall process with a timeframe to address comments received or recommending an alternative process.

**Ben** said that he talked with quite a few people about this issue and was disappointed with George Corn's recommendation on this committee. He said that while the LUSC has been working very effectively on zoning, having the Planning Board take this on would be very time-consuming. He said that having a committee, as the Planning Department recommended, is a very workable solution. He liked the idea of having a member of the Planning Board on the Committee and adding ex-officio members, as Shaun noted from the written comments, and offered support of the basic proposal from Staff.

**Bob** asked how long the process would be.

**Shaun** answered that staff intentionally did not address a length of time and suggested that the Streamside Setback Committee would determine its own workplan. He said that the group could select a proposal submitted to them or decide to start over from scratch, leading to different timeframes.

**Chip** noted that when the Board and Staff created the workplan in January, Phase 2 dealt with more detailed zoning regulations, including watercourse setbacks. He summarized that streamside setbacks were identified as a Phase 2 priority item.

**Dan** thought the Planning Department's recommendation was good and workable. He thought that the process could work in tandem with the zoning process.

**Chip** commented that the Planning Department is spread pretty thin and he wanted to hear from Karen as to resource availability.

**Karen** said she had allocated about 1.5 FTE for a few months because at the time, they anticipated a push on doing something in this area. She noted that now, timelines are less of an issue. She noted that it is hard to say what the Department will need in terms of resources because it depends on what the group decides to do. If they want to do minor modifications on a submitted draft and go through a public process, that is one thing. If Staff has to draft something new and do research, that is a different

situation. She noted that although resources needed will depend on the workplan, the Board could note to the BCC that the committee needs adequate staffing.

**Bob** said that he attended the Bitterroot Water Forum meeting the other night where they presented their work. He decided that was a good start and asked the Board not to recreate the wheel and stall.

**Dan** thought that the Streamside Setback Committee might pick up the work started and go forward with that as a basis.

**Karen** said that it would also be helpful if the Planning Board identified to the BCC where this item should fall in the priority list.

(ii) Open Public Comment

**Ira Holt** noted that he submitted comments in writing regarding this topic and included a History of Stream Setback Process in Ravalli County. (See Attachment I, Public Comments Received Regarding the Streamside Setback Committee Proposal) He strongly supported the Planning Department recommendation for a Streamside Setback Committee. He noted his membership in Ravalli County Fish and Wildlife and the Montana Wildlife Federation for about 20 years. He stated that he has been a representative to the Smart Growth Coalition for three months and this same coalition wrote the streamside setback bill for the last and this current legislature.

**Jim Rokosch** stated his support for creation of a committee to work on Streamside Setback Zoning regulations as part of the countywide zoning effort. He said that it makes sense that the community should explore unique aspects of riparian setbacks and the committee is the most efficient way to go about it and receive a quality product and public participation. He thought that the Board should focus on technical expertise and include this as countywide zoning. He recommended considering Michael Howell's suggestion and noted that there might be some omissions on the Committee's makeup. He said that a voting group of 15 to 20 people is cumbersome. He noted it might be more appropriate to have Trout Unlimited and other groups on the Committee.

**Doug Soehren** commended the Planning Department for work in "getting the ball rolling." He said Planning staff is writing meaningful zoning regs. He seconded Jim Rokosch's comments. He said staff proposed a good process and thinks they can proceed effectively. He expressed some concerns about it, most importantly that the committee represent the entire population of the county and be broad-based. He said there are other groups that need to be on the committee as well, including Friends of the Bitterroot for its history of looking after environmental, conservation, and wildlife issues, for the expertise it would bring to the table. If the committee would be a voting body, he said he would want this group to have a vote. He noted that Michael Howell pointed out other groups that should be considered for the committee, including his group.

**Lisa Pyron** said she was in favor of forming a committee, but agreed with Doug that all the valley should be represented. She recommended enlarging or changing the membership of the committee to include two professional engineers or land surveyors. She recommended using as much objective scientific data as possible, instead of making decisions based on emotional responses.

**Fred Weisbecker** said he is the President of the local chapter of the Audubon Society, which met Monday night and voted to support this streamside setback proposal. He noted that having streamside setbacks in place would reduce discussions over subdivisions, such as the one earlier in this meeting, from a half-hour to a few minutes. He encouraged the county to have a wide variety of experts, special-interest groups, and stakeholders on the committee.

**Michael Howell** stated his comments were on behalf of the Bitterroot River Protection Association, which had board members go to the state legislature over this issue and attend local meetings regarding setback issues. He stated that his group has deep concerns about what is going on; the Bitterroot River Protection Association specifically states that their aim is to protect and enhance fisheries and aquatic values associated with river and streams and therefore, a setback proposal of some sort is appropriate. He was in support of the recommended committee, but voiced concerns about the makeup of it, suggesting it was a bit unbalanced. He stated that his group would like to be part of the committee.

**Teri Polumsky** noted she is associated with the Bitterroot Valley Board of Realtors and, through this process, they have been accused of being a special-interest group. She noted that the Board of Realtors represents about 2,000 stakeholders in the area. She said that although the Planning Board just spent 45 minutes discussing a setback for a subdivision, she has a plan that will make setbacks easy. She summarized her groups' involvement with a previous streamside setback group, starting with a forum in 2005. The Board of Realtors then received grant funding for a map that would show every stream in the valley. The group then hired a hydrologist, who has completed 40% of the map. She stated the mapping project is to provide landowners and the county with a predictable and defensible system.

She noted that in the early fall of 2006, the Planning Board recommended this mapping project to the BCC; the Board of Realtors requested this so they could apply for a grant of \$50,000. She noted that the Planning Department is having a hard time finding funding and that this Streamside Setback Committee will be funded at the taxpayers' expense. She said that there had been a work-group meeting on February 5. She said that the hydrologist the Realtors hired has stated that to protect the stream, but not all social issues, they need to start somewhere. She said that she provided Staff with a copy of the regulations and then this Streamside Setback Committee was proposed. She said that the Board of Realtors cannot do the work and have the county turn it down.

**Kathleen Driscoll** stated she is a real estate agent and appreciates all the previous work completed on this project. She said that she attended Land Use Subcommittee Meetings and the original streamside setback committee meetings. She appreciated the fact that the Realtors spent money, but the Board needs to go with what Bob said. There has been lots of work already done. She suggested that the Board take what it has and spread out the responsibility.

**Dave Schultz** recommended formation of the committee, noting it will be more broad-based than previous groups.

**Eddie Olwell** said he is with Trout Unlimited and a fishing outfitter. He voiced support for the Streamside Setback Committee proposal. He noted that hunting and fishing is a large part of this area and wanted to see one organization that represents fish and game on the committee. He said that he was involved with the original streamside



setback group and noted that the draft regulations created by the Realtors are quite similar to regulations used for Lenexa, Kansas. (See Attachment J, Streamside Setback Ordinance from Lenexa, KS and the Board of Realtors). He said that the Board of Realtors claimed that the document was written by a land use committee that shares information. He corresponded with Lenexa, Kansas, who said that the plan was written by a local landscaping firm and a law firm. He pointed out that there are no mountains, elk or deer hunting, or fishing in Kansas.

**Bob Pauley** said that the work has been done and a free gift is being offered. He asked if the County has money for this project and noted that we can learn from others. He asked the Board to embrace the work already completed and noted that delays could allow the state legislature to impose 300-foot setbacks. He noted that the Realtors will not make money on this and asked the Board not to duplicate time already spent trying to recreate the wheel.

**Robin Ross-Duggan** from Hamilton said this issue appears to relate to trust. She noted that some people feel they will not be represented or someone else might have too much representation. She noted that the County only has one chance to do this task and it needs to involve everyone that is concerned and allow everyone to be heard. She concluded that this is a sacred trust and water is an incredible asset.

**Ray Tipton** said he is a builder and concerned citizen who has lived here since 1992. He asked who sets the ultimate goals for the committee. He said that he has been on committees where they decided their own outcome and what would be involved in making decisions; it created a mish-mash of opinions and emotional responses. 6-7 issues to be dealt with for subdivisions ??? Committee could work toward resolving questions rather than leave the committee to come up with problems and then decide.

**John Ormiston** said he is a retired wildlife biologist who participated with the original streamside setback group. He said it was initially collaborative, but the group was taken over by the Realtors. His request was for a public committee to work on streamside setbacks that could come up with much better regulations in a public arena. He said that although Teri said the map is 40% complete, no member of the original group has seen the map and he does not know how much of it is completed, or if it even exists.

**Rob Johnson** said he is on the Bitterroot Water Forum Board and recommended that the Planning Board support the creation of a Streamside Setback Committee. He said that the Committee would be a public process that would educate the public. He announced an upcoming meeting hosted by the Bitterroot Water Forum on this issue.

**Jack Bauer** said he helped work on the setback issue and is in favor of a Streamside Setback Committee. He noted that Ravalli County has great stream variety. He hoped that the Committee would allow collaboration and compromise, but would not compromise natural resources that are at stake.

**Alexandra Morton** said she lives in Victor and that property owners are lacking representation. She thanked the Realtors for doing something and noted that the issue is extremely important because it deals with private property rights. She read a few excerpts about private property rights. She noted that some people may have purchased land recently in good faith of building dream their home. She said that this Board is considering a form of legal taking with some people unaware this is happening, including some people who live out-of-state. She noted that although the

1980s were a time of suffering because of a lack of economic prosperity, real estate has driven up economic prosperity. She cautioned the Board to provide respect and restraint when dealing with private property. She said that natural resources need to be protected, but the County needs to look at its options before dictating. She asked the audience to contact elected representatives to help defeat Senate Bill 345.

**Richard Marcus** from Stevensville said that the County has two opportunities. He noted that the Board of Realtors could do research and nothing excludes the Streamside Setback Committee from considering their proposal. He noted that the Streamside Setback Committee would allow for broader public input, science, and comparison.

**Suzanna Pyron** from Florence said she lives on a stream and it is beautiful. She noted that when most people purchase property, they will do everything they can to preserve its integrity and safety. She noted that most people make plans to keep water from washing a house away. She said that except for the Bitterroot River, the County does not need a floodplain for smaller, annual streams that would require expensive research. She noted that the logging industry and forest stewardship workshops have already provided best practices for addressing streams. She recommended looking at research already done, noting that those programs only suggest steps and do not force people to comply.

(iii) Close Public Comment

(iv) Board Deliberation on the Work Plan

(a) Board Discussion and Questions

**Lee** said that the core of zoning is an aim to preserve and enhance values for public health and safety. He said that the Board does not want to start from scratch, but wants to create a forum that would have work coming from the people and allowing more public involvement. He noted that work done by the Realtors and the proposal for the Streamside Setback Committee is all good and that it should be brought and presented to the Committee so that there is an opportunity to synthesize it and have the public come together.

**Phil** said he agrees with Lee and Richard Marcus that the Committee is not exclusive and said he is in favor of proceeding with Staff's recommendation.

**Ben** said that creation of a Streamside Setback Committee would not mean they are throwing away what the Realtors have done. He said he counted 19 people that spoke; most people were for it, but two people were against it and he did not know if three people were for or against it.

**Dale** said that the Planning Department's proposal covers a broad spectrum of everyone.

**Les** recommended support of the Planning Department's recommendation.

**Dan** said that the Board needs to be formed and it would be foolish not to start with work that has already been completed. He recommended modifying the Committee to include 17 members instead of 13. He recommended having two Professional Engineers or Land Surveyors on the Committee and five members of the public at

large, retaining the three hydrology, ecology, etc., experts and the Board members. He said that anyone else not represented could apply for the five general public positions.

**Bob** said that there has been good biological work done and he tried to look at hydrological work done. He thought that the Board of Realtors got bogged down in the complex classification of streams. He recommended determining setbacks applied to streams based primarily on biological concerns. He liked the idea of a Streamside Setback Committee and recommended adding a water/fishing/recreation representative to this Committee.

**Mary Lee** supports the recommendations and noted that she liked Dan's idea of 17 members. She expressed concerns with the Planning Department's staffing abilities. She noted that this Committee was not included when the Board created their original priority plan, so they need Staff and funding to support this going forward.

**Chip** said he supports the process. After being on the Land Use Subcommittee, he is more supportive of a 17-member committee, but thinks having a smaller, technical voting body is good. He said the larger the group, the harder it is to get things accomplished. He said that this Committee is a great opportunity to get something done. He said he wants a large group working on it, but wants the BCC to appoint ex-officio members and voting members to make sure the process moves along. He said it is unfair to want everything now and give up nothing. He noted that the Board has to be realistic and the most important job at hand is countywide zoning. He said that Jim's concerns are great and there are lots of issues to look at, but the County does not have the Staff to get it all done in a timely matter.

**Ben** said he agrees with Chip. He noted that having only five voting members of the Land Use Subcommittee worked well and they did not have to use voting often. He agreed that the County has a staffing problem and recommended creating this Committee, but placing this priority behind zoning so it does not delay or impact other zoning efforts. He noted that the Board discussed starting Phase II of the zoning project when Phase I goes into the public review process, scheduled for late fall or winter. He hoped that the Committee could work independently. He said that the Committee could have 17 or 19 people, but he would only pick the top six listed on the sheet and members from the Planning Board, Board of Health, and Bitterroot Conservation District as voting members and leave the rest as ex-officio members.

**Les** agreed with Ben. He noted that at some point, the number of members becomes unwieldy. He requested seven or nine voting members, preferably a maximum of nine voting members. He said that the other representatives could be ex-officio members, as they are on the Land Use Subcommittee.

**Chip** said that the advantage of identifying them is that they get on a distribution list.

**Mary Lee** agreed.

**Dan** lobbied for 17 members. He said that this group will be relatively scientifically-based and decisions should be clear. He thought that allowing five members of the public at large allows for more public participation.

**Les** said he heard from most public speakers that they supported Staff's recommendation. He said that the Board should recommend Staff's recommendation and have a maximum of 13 voting people.

**Bob** said that the Board should stick with their priorities and reaffirm them to the BCC. He also supported having 17 members, noting that it is not really a voting situation, but should be science-related. He noted that when listening to Chris Clancy, he would imagine 90% of the people in the audience agreed that he laid out something they could buy into.

**Chip** said that he knows that even scientific experts can disagree and issues will not be as black-and-white as we hope.

**Dan** – when meet on 27 and have firm numbers, it won't be hard at that point.

**Phil** said he likes the idea of ex-officio members, but noted if the members will attend and participate anyway, it should not hurt anything if they vote at the end.

**Karen** reminded the Board that Staff did propose one ex-officio member: the Ravalli County Floodplain Administrator. She noted that Staff put out the proposal, but wanted to have the public weigh in and have the Board hear the public. She thinks of this as a work-in-progress and expected suggestions and change through the public process.

**Ben** motioned to adopt the proposal and present the BCC with alternatives of a 17-member voting board, or having some of those peoples as ex-officio members, or creating the Streamside Setback Committee and having the Committee decide how they are going to vote.

**Les** seconded the motion.

**Mary Lee** asked Ben to include something in the motion that states that countywide zoning is still the first priority and the Board must find resources to push this further.

**Ben** amended his motion to include Mary Lee's suggestion.

**(b) Board Action**

The Board voted (8-0) to approve the motion to forward a recommendation to the Commissioners to create a Streamside Setback Committee.